

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 August 2024

DOCKET NUMBER: AR20230014316

APPLICANT REQUESTS: correction of his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) to show the Valorous Unit Award.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

DD Form 149 (Application for Correction of Military Record)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he was assigned to Headquarters and Headquarters Company (HHC), 7th Battalion, 199th Infantry Brigade during the period 1966-67. He became aware of the Valorous Unit Award only in the past year.
3. The applicant was inducted into the Army of the United States on 29 December 1965.
4. The applicant's available record contains a "TEMP" DA Form 20 (Enlisted Qualification Record), which includes sparse entries to include the following:
 - a. Item 31 (Foreign Service) lists the dates 28 October 1966 to 18 October 1967 (11 months and 21 days). The overseas command or country where the foreign service was performed was not identified in item 31.
 - b. Item 38 (Record of Assignments) is blank; however, his records contain orders for the Army Good Conduct Medal, dated 22 August 1967, issued by Headquarters, 199th Infantry Brigade, APO San Francisco 96279, showing he was a member Headquarters and Headquarters Detachment (HHD), 7th Support Battalion, 199th Infantry Brigade.

5. General Orders (GO) Number 449, published by Headquarters 199th Infantry Brigade (Separate) (Light), Army Post Office (APO) San Francisco, on 22 August 1967, awarded him the Good Conduct Medal (1st Award) for the period 29 December 1965 to 28 December 1967. These orders show he was assigned to Headquarters and Headquarters Detachment (HHD), 7th Support Battalion, 199th Infantry Brigade. [Note: The evidence of record does not show whether he was assigned to this unit the entire period of his service in Vietnam.]

6. The applicant's DD Form 214 shows he was honorably released from active duty on 19 October 1967 after completing 1 year, 9 months, and 21 days of net active service this period. The DD Form 214 further shows:

a. His last duty assignment and major command was HHD, 7th Support Battalion, 199th Infantry Brigade, USARV (U.S. Army Vietnam).

b. He was credited with 11 months and 21 days of foreign and/or sea service and the entry "USARPAC" (U.S. Army Pacific).

c. He was awarded or authorized the:

- National Defense Service Medal
- Army Good Conduct Medal
- Army Commendation Medal
- Vietnam Campaign Medal (i.e., Republic of Vietnam Campaign Medal with Device 1960)
- Vietnam Service Medal

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the qualifying period for the Valorous Service Medal running from 31 January to 19 February 1968, and the applicant's military service ending on 19 October 1967 (outside the qualifying period), the Board concluded there was insufficient evidence of an error or injustice warranting adding the Valorous Unit Award to the applicant's record.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.
2. Prior to closing the case, the Board noted the administrative notes below from the analyst of record and recommended those changes be completed to more accurately reflect the military service of the applicant.

2/13/2025

X

CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ADMINISTRATIVE NOTE(S): administratively correct block 24 of the applicant's DD Form 214 by deleting the Vietnam Service Medal and adding the:

- Vietnam Service Medal with two bronze service stars
- Republic of Vietnam Gallantry Cross with Palm Unit Citation

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Department of the Army Pamphlet (DA PAM) 672-3 (Unit Citation and Campaign Participation Credit Register) lists the awards received by units serving in Vietnam. This pamphlet shows:

a. HHC, 199th Infantry Brigade was awarded the Valorous Unit Award for the period 31 January-19 February 1968. The applicant was not assigned to HHC, 199th Infantry Brigade.

b. HHD, 7th Support Battalion, 199th Infantry Brigade, the unit to which the applicant was assigned, was not awarded the Valorous Unit Award.

c. Department of the Army General Orders Number 8, dated 1974, announced award of the Republic of Vietnam Gallantry Cross with Palm Unit Citation to Headquarters, U.S. Military Assistance Command, and its subordinate units during the period 8 February 1962 to 28 March 1973 and to Headquarters, U.S. Army Vietnam, and its subordinate units during the period 20 July 1965 to 28 March 1973.

3. Army Regulation 600-8-22 (Military Awards) states a bronze service star is authorized with the Vietnam Service Medal for each Vietnam campaign a member is credited with participating. Appendix B of this regulation shows that during the applicant's service in Vietnam, participation credit was awarded for the following two campaigns:

- Vietnam Counteroffensive Phase II (1 July 1966-31 May 1967)
- Vietnam Counteroffensive Phase III (1 June 1967-29 January 1968)

//NOTHING FOLLOWS//